

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

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NICOLE P. ERAMO,

Plaintiff,

- against -

ROLLING STONE LLC, SABRINA RUBIN  
ERDELY, AND WENNER MEDIA LLC,

Defendants.  
-----X

Case No. 3:15-cv-00023-GEC

**DEFENDANTS' RENEWED MOTION FOR JUDGMENT AS A MATTER OF LAW**

Pursuant to Federal Rule of Civil Procedure 50(b), Defendants Rolling Stone LLC, Sabrina Rubin Erdely, and Wenner Media LLC respectfully move this Court for entry of an order granting judgment as a matter of law notwithstanding the jury's verdict (i) finding that Defendants Rolling Stone were liable for defamation by republishing Statements No. 1, 2 and 3 (the "Article Statements") on December 5, 2014 by placing an Editor's Note at the top of the previously published online Article, on the grounds that the evidentiary record does not support the jury's finding that these statements were "republished"; and (ii) finding that Defendant Erdely was liable for defamation with respect to Plaintiff's claims concerning Statements 1, 3, 5, 7, 8, and 10, on the grounds that Plaintiff failed to meet her burden of producing evidence of special damages for each of the post-Article statements; Plaintiff failed to meet her burden of producing clear and convincing evidence that Erdely published any of the challenged statements with actual malice; and none of the remaining challenged statements are actionable.

WHEREFORE, Defendants Rolling Stone LLC, Sabrina Rubin Erdely, and Wenner Media LLC respectfully request that the Court grant their Renewed Motion for Judgment as a Matter of Law and enter judgment for Defendants notwithstanding the jury's verdict.

Dated: New York, New York  
December 5, 2016

By: /s/ Elizabeth A. McNamara  
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*Attorneys for Defendants Rolling Stone LLC,  
Sabrina Rubin Erdely, and Wenner Media LLC*

### **CERTIFICATE OF SERVICE**

I hereby certify that on December 5, 2016, the foregoing was served by CM/ECF on counsel of record for all parties to this action. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Elizabeth A. McNamara  
Elizabeth A. McNamara